

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

APPEAL NO.346 OF 1998
IN
COMPANY APPLICATION NO.124 OF 1998
IN
COMPANY PETITION NO.22 OF 1992

Bhoruka Drum & Allied Industries Ltd. ...Appellant.
Vs.
Dena Bank & Ors. ...Respondents.

....
Ms. Manorama Mohanty i/b. S.K. Srivastava & Co. for the
appellant.
Shri P. D. Bhise i/b. A.R. S. Baxi for Respondent No.3.
Shri Kedar Dighe for Official Liquidator.

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**CORAM : R. M. S.KHANDEPARKAR &
DR.D.Y.CHANDRACHUD, JJ.**

February 7, 2007.

P.C.

The learned Advocate for Respondent No.3 placed on record, a copy of the letter dated 11th March 1999, issued on behalf of the appellant, confirming the receipt of peaceful possession of the suit premises from the Maharashtra State Electricity Board. In view of the same, the learned Advocate for the appellant has fairly stated that nothing survives in appeal except the direction for the release of the Bank Guarantee which was furnished in terms of clause (3) of the Minutes of Order dated 2nd July 1998 passed in

this appeal.

2. In view of what has been submitted above, the Bank Guarantee furnished, is directed to be discharged and released.

3. On direction for discharge of the Bank Guarantee, the learned Advocate for the appellant craves leave to withdraw the appeal. The appeal is allowed to be withdrawn in the above circumstances. No order as to costs.

(R. M. S.KHANDEPARKAR, J.)

(DR.D. Y. CHANDRACHUD, J.)